

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
LAS CRUCES DIVISION

JUN CARLOS LEON-HERRERA	§	
<i>Plaintiff</i>	§	
	§	
	§	
v.	§	CIVIL ACTION No. 2:24-CV-00153
	§	
BAR-S FOODS Co D/B/A SIGMA FOODS	§	
AND JORGE ZUNIGA ISAIS D/B/A RVJ	§	
TRANSPORT	§	
<i>Defendants</i>	§	

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UNOPPOSED MOTION TO EXTEND DISCOVERY DEADLINES

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Now Comes Plaintiff, **JUAN CARLOS LEON-HERRERA** (hereinafter “Plaintiff”), and submits this Motion to Extend Discovery Deadlines.

1. Plaintiff filed his Original Complaint on February 14, 2024.
2. Plaintiff filed his First Amended Complaint on August 20, 2024.
3. Since filing the first amended complaint, it is Plaintiff’s position that additional discovery and investigation has revealed additional evidence requiring pleading additional causes of action. Consequently, Plaintiff filed a motion for leave to file a second amended complaint.
4. Defendant Custom Pro filed a Motion to Dismiss on October 25, 2024, which is currently pending before this Court.
5. Defendant Cal Fresco, LLC filed a motion to dismiss on January 7, 2025.
6. The parties have engaged in written discovery and have also filed discovery motions.
7. Defendant Custom Pro filed a motion to stay discovery on December 31, 2024.
8. No depositions have taken place in this case as the parties prefer for all necessary parties to be present before depositions take place.

9. The parties have been diligent in pursuing discovery and jointly request a discovery extension to complete expert and fact discovery. Although the motion is titled unopposed, Plaintiff has not heard back from counsel for Sygma despite multiple attempts to reach by e-mail or phone. It appears that counsel for Sygma is out of the office attending trial.

10. Therefore, good cause exists for a discovery extension and trial continuance in this case to allow the parties sufficient time to unveil the necessary facts to prosecute and defend the case on the merits. As such, after having met and conferred, the parties propose for the discovery deadlines to be extended as follows:

	CURRENT DEADLINE	PROPOSED DEADLINE
Discovery Cut-off	April 14, 2025	August 18, 2025
<i>Discovery Motion Cut-Off</i>	May 5, 2025	September 8, 2025
<i>Pretrial Motion Cut-off</i>	May 19, 2025	September 12, 2025
<i>Plaintiff's Expert Disclosures</i>	January 15, 2025	May 16, 2025
<i>Defendants' Expert Disclosures</i>	February 16, 2025	June 13, 2025
Deadline to Amend Pleadings	Passed	February 31, 2025

#### **PRAYER**

Wherefore, Plaintiff respectfully requests that the instant motion be granted and for the court to issue a new scheduling order.

**CERTIFICATE OF CONFERENCE**

The undersigned counsel met and conferred with counsel for Jorge Zuniga, who indicated he was unopposed to the motion and agreed to the relief requested herein. Counsel for Cal Fresco, LLC indicated he has no position on the motion. Counsel for Custom Pro indicated that he has no position on the motion. The undersigned reached out to counsel for Sygma Judd C. West but has not heard back from him.

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the above and foregoing instrument was duly served in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on January 7, 2025 upon all counsel of record.

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**ATTORNEYS FOR DEFENDANT:**

**CUSTOM PRO LOGISTICS, LLC**

*/S/ **JORGE ALVAREZ***

JORGE ALVAREZ